



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 05-93

Date: October 31, 2005

Application No. 200502260

Expiration Date: November 30, 2005

Please address all comments to:

Floyd M. Carnes

- Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS

AND

TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Excavation for Boat Access and Fixed Dock at Browns Creek Mile 5.5, Left Bank, Tennessee River Mile 356.0, Left Bank, Guntersville Lake, Marshall County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**.

APPLICANT: Eric Kuhnkey
2600 Gawain Road
Huntsville, Alabama 35803

LOCATION: Browns Creek Mile 5.5, Left Bank, Tennessee River Mile 356.0, Left Bank, Guntersville Lake, Marshall County, Alabama. (USGS ARAB ALA. Quadrangle; Longitude: 86-23-20.5; Latitude: 34-18-4.4)

DESCRIPTION: The proposed work consists of excavation for boat access. The approximate length of the boat access would be 30' with a width of 30'. The bottom of the boat access would be at Elevation 590.0, which is 5' below Guntersville Lake normal summer pool Elevation 595.0. Included in this excavation is the removal of a small peninsula which measures 30' long and 20' wide. The total amount of excavation would be approximately 66 cubic yards of material. A land based track hoe would excavate the material and place it into a dump truck, where it would be hauled off-site and placed above Elevation 600. Also, the applicant proposes to construct a covered fixed boat slip where the excavation is to occur. The covered fixed boat slip would be 30' long and 20' wide, with an 11' wide boat well.

In addition, the applicant proposes to place 50 feet of riprap bank stabilization along the shoreline. The deposit of fill material associated with the riprap bank stabilization meets the criteria for Nationwide Permit (NWP) # 13.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

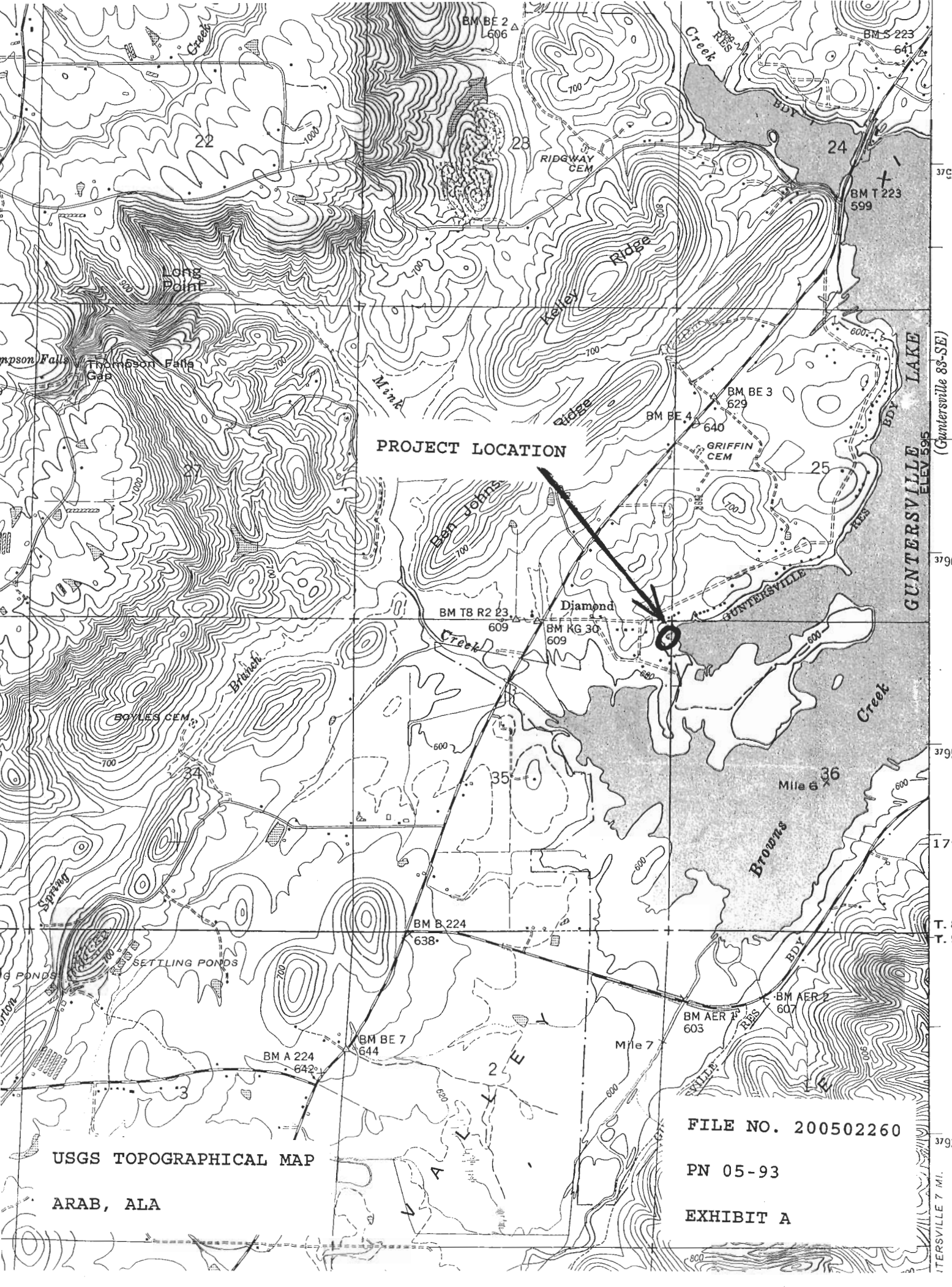
Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of

formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

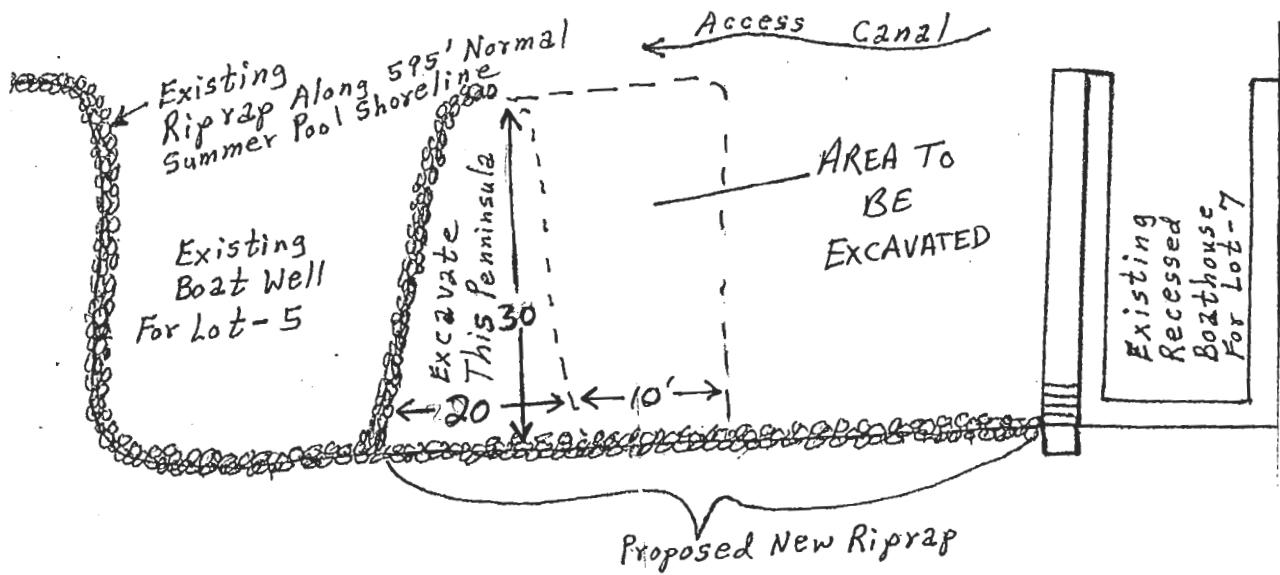
Written statements received in this office on or before **November 30, 2005**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Richard Thrasher, Guntersville/Tims Ford Watershed Team, 3696 Alabama Highway 69, Guntersville, Alabama 35976.



PROJECT LOCATION

USGS TOPOGRAPHICAL MAP
ARAB, ALA

FILE NO. 200502260
PN 05-93
EXHIBIT A

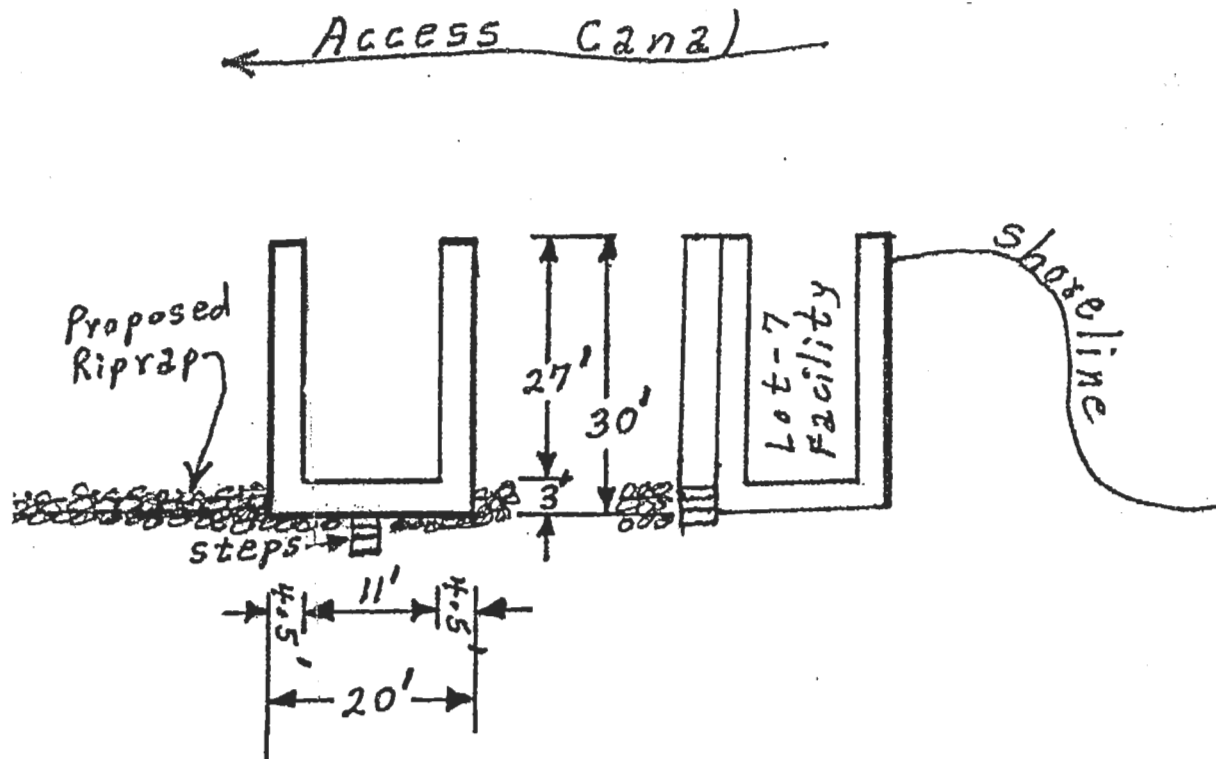


PLAN

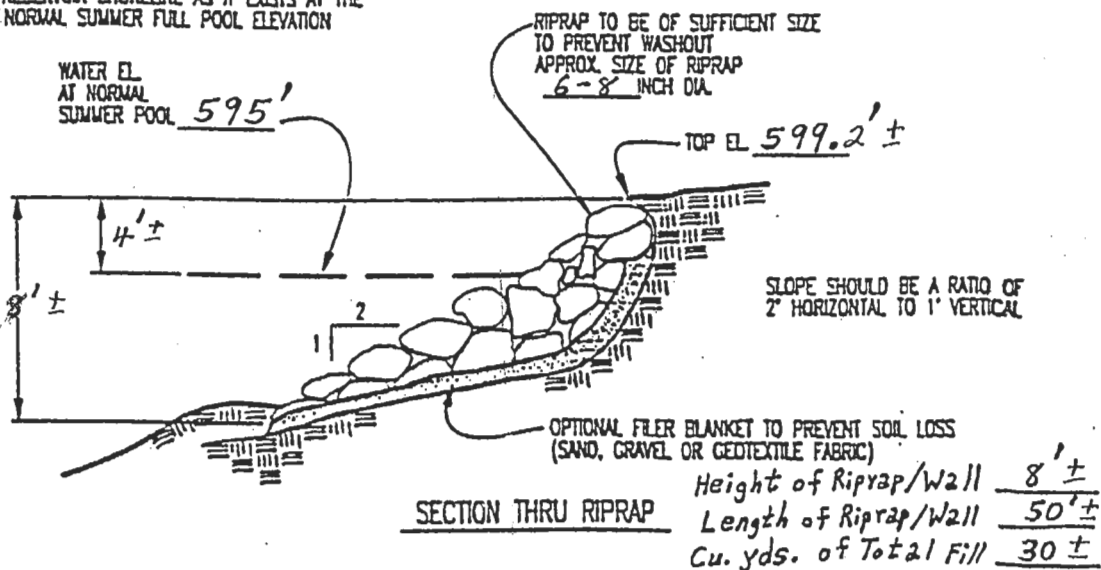
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EXHIBIT B



NOTE:
THE RIPRAP IS TO BE PLACED AT OR ALONG
RESERVOIR SHORELINE AS IT EXISTS AT THE
NORMAL SUMMER FULL POOL ELEVATION



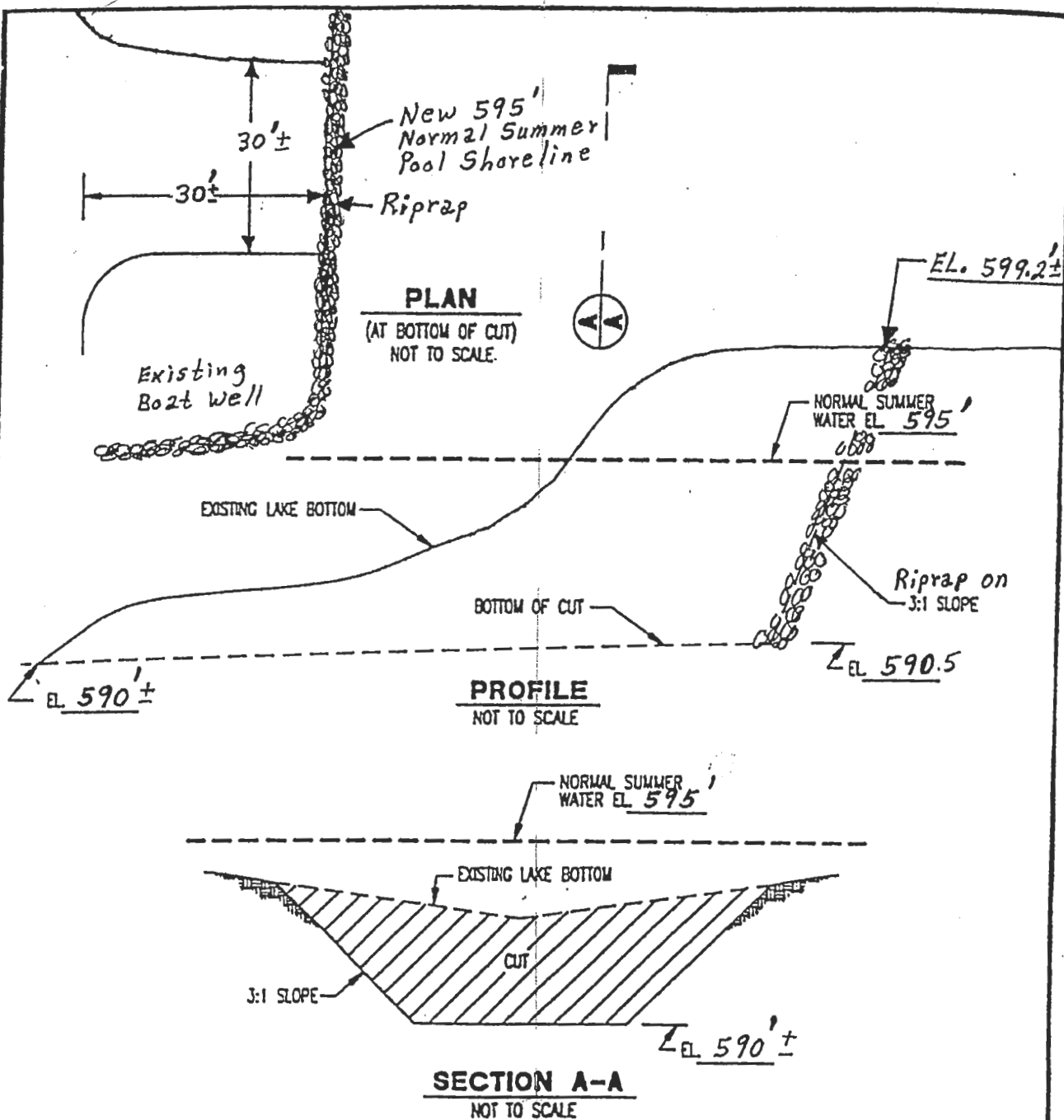
THE NORMAL SUMMER WATER LEVEL IS:
GUNTERSVILLE RESERVOIR EL. 594 TO 595

NOTE:
INCLUDE ALL DIMENSIONS AND ELEVATIONS
WHERE INDICATED.

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EXHIBIT C



ESTIMATED CU. YDS. OF SPOIL TO BE REMOVED: 66 ±

THE NORMAL SUMMER WATER LEVEL IS:
595'

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EXHIBIT D